



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
Alberto Del Real-Gallardo)
)
Defendant.)

2:08-cr-32-2

ORDER OF DETENTION AFTER HEARING
(18 U.S.C. § 3142(i))

I.

- A. (☒) On motion of the Government involving an alleged
1. () crime of violence;
 2. () offense with maximum sentence of life imprisonment or death;
 3. (☒) narcotics or controlled substance offense with maximum sentence of ten or more years (21 U.S.C. §§ 801, /951, et. seq., /955a);
 4. () felony - defendant convicted of two or more prior offenses described above.
- B. On motion () (by the Government)/() (by the Court sua sponte involving)
1. () serious risk defendant will flee;

1 2. () serious risk defendant will

2 a. () obstruct or attempt to obstruct justice;

3 b. () threaten, injure, or intimidate a prospective
4 witness or juror or attempt to do so.

5 *on the present record*
II

6 The Court finds no condition or combination of conditions will
7 reasonable assure:

8 A. (✓) appearance of defendant as required; and/or

9 B. (✓) safety of any person or the community;

10 III.

11 The Court has considered:

12 A. (✓) the nature and circumstances of the offense;

13 B. (✓) the weight of evidence against the defendant;

14 C. (✓) the history and characteristics of the defendant;

15 D. (✓) the nature and seriousness of the danger to any
16 person or to the community.

17 IV.

18 The Court concludes:

19 A. (✓) Defendant poses a risk to the safety of other persons
20 or the community because: *nature of alleged*

21 *offense; prior record;*
22 *possession of firearms*
23
24
25
26

27 ///

28 ///

1 B. (✓) History and characteristics indicate a serious risk
2 that defendant will flee because:_____

3 illegal status; ties to Mexico;
4 foreign travel
5 _____
6 _____

7 C. () A serious risk exists that defendant will:

8 1. () obstruct or attempt to obstruct justice;

9 2. () threaten, injure or intimidate a witness/
10 juror; because:_____

11 _____
12 _____
13 _____
14 D. () Defendant has not rebutted by sufficient evidence to
15 the contrary the presumption provided in 18 U.S.C.

16 § 3142 (e) *without prejudice*

17 IT IS ORDERED that defendant be detained prior to trial.

18 IT IS FURTHER ORDERED that defendant be confined as far as
19 practicable in a corrections facility separate from persons awaiting
20 or serving sentences or person held pending appeal.

21 IT IS FURTHER ORDERED that defendant be afforded reasonable
22 opportunity for private consultation with his counsel.

23
24 DATED: 1/18/08

25
26 
27 U.S. MAGISTRATE JUDGE / DISTRICT JUDGE
28